



# California Regional Water Quality Control Board San Diego Region



Linda S. Adams  
Secretary for  
Environmental Protection

Over 50 Years Serving San Diego, Orange, and Riverside Counties  
Recipient of the 2004 Environmental Award for Outstanding Achievement from USEPA

Arnold Schwarzenegger  
Governor

9174 Sky Park Court, Suite 100, San Diego, California 92123-4340  
(858) 467-2952 • Fax (858) 571-6972  
[http:// www.waterboards.ca.gov/sandiego](http://www.waterboards.ca.gov/sandiego)

February 17, 2010

Mr. Ken Weinberg  
Director of Water Resources  
San Diego County Water Authority  
4677 Overland Ave.  
San Diego, CA 92123

VIA CERTIFIED MAIL  
7009 1410 0002 2347 3827

In reply refer to:  
Place No. 652333: carias

RE: **NOTICE OF VIOLATION NO. R9-2010-0027 &  
REQUIRED TECHNICAL REPORT**

**Subject Site: Mission Trails FRS II, Pipeline Tunnel and Vent Demolition Project**

Dear Mr. Weinberg,

Enclosed is **Notice of Violation (NOV) No. R9-2010-0027** for the Mission Trails FRS II, Pipeline Tunnel and Vent Demolition Project. The violations specified were identified during a site inspection on February 9, 2010. Corrective measures and Best Management Practices (BMPs) should be implemented immediately to address these violations.

Pursuant to California Water Code (CWC) section 13267 and 13383, the California Regional Water Quality Control Board, San Diego Region, (Regional Board) directs you to submit a **Required Technical Report (RTR)** no later than **5:00 PM on March 17, 2010**. The RTR is required due to the violations noted in the enclosed NOV and will be reviewed to assess the need for further possible enforcement actions. The RTR shall include the following Sections:

1. An Immediate Actions Section describing the reasons for the discharge of sediment from the site into the Municipal Separate Storm Sewer System or water of the U.S. and what immediate steps were taken to stop the illegal discharge.
2. A Storm Water Pollution Prevention Plan (SWPPP) Status Report Section including:
  - a) An 8.5" x 11" Site Map boldly indicating all flow lines, storm water inlets and outfalls (designate active or inactive), and direct discharge (if applicable) to a water of the state.
  - b) A statement giving the exact date construction began.

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- c) Photocopies of all BMP implementation/maintenance/inspection records (to date).
  - d) Photocopies of all annual Compliance Certifications (to date).
  - e) A photocopy of the SWPPP Signatory Requirement page.
  - f) If necessary, a copy of a newly completed NOI. **Please note:** If any information provided on the current NOI has changed, an NOI change of information, filed with the State Board in Sacramento, is required.
3. A Site Status Report Section including photo-documentation of implementation of the SWPPP, including proper installation of BMPs addressing, but not limited to, those specific violations indicated in the attached NOV.
  4. A description of impacts to jurisdictional waters:
    - a) Verification that the observed placement of fill (pipe, riprap, and shotcrete) noted on page 3 of the Regional Board's Facility Inspection Report is the activity described in Attachment A of the Water Quality Certification application.
    - b) A description of the physical, chemical, and biological impacts on the ephemeral drainage caused by the observed placement of fill as noted on page 3 of the Regional Board's Facility Inspection Report.
    - c) Verification that the proposed mitigation described in the Water Quality Certification application covers the impacts caused by the observed placement of fill.
    - d) A description of how temporary impacts caused by the observed placement of fill will be restored.
  5. A description of how the San Diego County Water Authority will report illegal discharges to the Regional Board pursuant to Condition No. 6 of the Clean Water Act section 401 Water Quality Certification No. 06C-112.

The submitted Required Technical Report shall include the following signed certification:

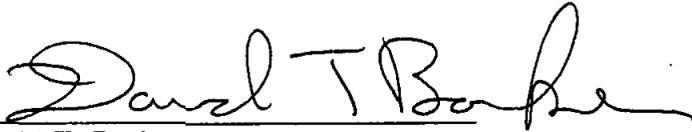
*I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.*

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Failure to submit the above information by the date requested may result in the imposition of administrative civil liability pursuant to CWC sections 13268 and 13385.

Questions pertaining to this Required Technical Report and the enclosed Notice of Violation should be directed to Christina Arias at (858) 627-3931 and [carias@waterboards.ca.gov](mailto:carias@waterboards.ca.gov). Written correspondence should be directed to the following address:

David T. Barker  
Supervising Water Resource Control Engineer  
Attn: Christina Arias  
California Regional Water Quality Control Board  
San Diego Region  
9174 Sky Park Court, Suite 100  
San Diego, CA 92123-4340



David T. Barker  
Supervising Water Resource Control Engineer

DTB:esb:cma

Attachments: Notice of Violation No. R9-2010-0027  
Facility Inspection Report dated February 9, 2010

Order No.	R9-2010-0027
CIWQS Place ID	652333
Reg. Measure No.	373082

CC via email: Ellen Blake, U.S. EPA  
Shane Sato, L.H. Woods & Sons Inc.  
Joan Brackin, City of San Diego Storm Water Pollution Prevention Division

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February 17, 2010

IN THE MATTER OF )

NOTICE OF VIOLATION  
NO. R9-2010-0027

Mr. Ken Weinberg )  
Director of Water Resources )  
San Diego County Water Authority )  
4677 Overland Ave. )  
San Diego, CA 92123 )

WDID NO.  
WDID 9 37C353958

In reply refer to:  
Place No. 652333: carias

NPDES General Permit No. CAS000002, SWRCB Order 99-08  
and Clean Water Act Section 401 Water Quality Certification No. 06C-112

Subject Site: Mission Trails FRS II, Pipeline Tunnel and Vent Demolition Project

**YOU ARE HEREBY NOTIFIED THAT:**

You are in violation of waste discharge requirements contained in State Water Resources Control Board (SWRCB) Order No. 99-08-DWQ, of the National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002, *Waste Discharge Requirements for Discharges of Storm Water Runoff Associated with Construction Activity*, and you are in violation of *Clean Water Act Section 401 Water Quality Certification for the San Diego County Water Authority Mission Trails FRS II, Pipeline Tunnel and Vent Demolition Project*. Such violation subjects you to possible enforcement action by the California Regional Water Quality Control Board, San Diego Region, (Regional Board) including administrative enforcement orders requiring you to cease and desist from violations, or to clean up waste and abate existing or threatened conditions of pollution or nuisance; administrative civil liability in amounts of up to \$10,000 per day per violation; referral to the State Attorney General for injunctive relief; and, referral to the District Attorney for criminal prosecution.

On February 9, 2010, Christina Arias and Dat Quach of the Regional Board conducted an inspection of the subject site and observed, documented, and photo-documented evidence of alleged violations indicated in the attached Facility Inspection Report, incorporated herein by reference. April Panera of R.W. Beck, Randy Manns of Nolte and Associates (consultants to San Diego County Water Authority), Shane Sato of L.H. Woods & Sons Inc., and Lino Cruz of L.H. Woods & Sons Inc. (site contractors) were present during this inspection.

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## Summary of Violations:

### I. FAILURE TO PREVENT PROHIBITED DISCHARGES

#### ➤ Pursuant to Water Quality Order No. 99-08-DWQ A.2:

- Discharges of material other than storm water which are not otherwise authorized by an NPDES permit to a separate storm sewer system (MS4) or waters of the nation are prohibited...

**Observation:** Sediment originating from the construction site was observed downstream of the site, in a nearby creek. The volume of sediment washed away from this area and impacting the creek and other downstream receiving waters during previous storms is unknown.

### II. FAILURE TO IDENTIFY POLLUTANT SOURCES AND BEST MANAGEMENT PRACTICES (BMPS)

#### ➤ Pursuant to Water Quality Order No. 99-08-DWQ Section A.5.b (1), (2), (3), (4), (5):

- The SWPPP shall show drainage patterns and slopes anticipated after major grading activities are completed....
- The SWPPP shall show the drainage patterns into each on-site storm water inlet point or receiving water....
- The SWPPP shall show existing site features that, as a result of known past usage, may contribute pollutants to storm water....
- The SWPPP shall show areas designated for (a) storage of soil or waste, (b) vehicle storage and service areas, (c) construction material loading, unloading, and access areas, (d) equipment storage, cleaning, and maintenance areas....
- The SWPPP shall describe the BMPs for control of discharges from waste handling and disposal areas and methods of on-site storage and disposal of construction materials and construction waste....

**Observation:** The on-site SWPPP for this construction project did not adequately meet the requirements described above.

### III. FAILURE TO IMPLEMENT / MAINTAIN BMPS

#### ➤ Pursuant to Water Quality Order NO. 99-08, Section A.6 & A.8:

- At a minimum, the discharger/operator must implement an effective combination of erosion and sediment control on all disturbed areas during the rainy season. These disturbed areas include rough graded roadways, slopes, and building pads.

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**Observation:** The site lacked erosion control for all disturbed areas, including a sediment stockpile. Some sediment control BMPs were in place, but are inadequate for subsequent storm events.

➤ **Pursuant to Water Quality Order NO. 99-08, Section A.6 & A.8:**

- The SWPPP shall include a description of the erosion control practices, including a time schedule, to be implemented during construction to minimize erosion on disturbed areas of a construction site... These disturbed areas include rough graded roadways, slopes, and building pads... A proposed schedule for deployment of sediment control BMPs shall be included in the SWPPP.

**Observation:** The SWPPP lacked a site specific construction phase / BMP sequencing schedule. This sequencing schedule must be developed and implemented to insure that all areas of the site are sufficiently protected and will not result in illegal discharges. The site had significant disturbed areas under active construction with no scheduled BMP implementation strategy to protect these areas prior to a rain event. This schedule must be reasonable and implementable with sufficient BMPs stockpiled to protect the site prior to a rain event.

**IV. FAILURE TO NOTIFY THE REGIONAL BOARD OF UNAUTHORIZED DISCHARGE**

➤ **Pursuant to Clean Water Act Section 401 Water Quality Certification No. 06C-112, General Condition No. 6:**

- The San Diego County Water Authority must notify the Regional Board within 24 hours of any unauthorized discharge to waters of the U.S. and/or State; measures that were implemented to stop and contain the discharge; measures implemented to clean-up the discharge; the volume and type of materials discharged and recovered; and additional BMPs or other measures that will be implemented to prevent future discharges.

**Observation:** Regional Board inspectors noted an illegal discharge of sediment to waters of the U.S. and/or State on February 9, 2010. The San Diego County Water Authority failed to notify the Regional Board of this discharge and efforts to correct inadequate BMPs.

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CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD - SAN DIEGO REGION  
WATERSHED MANAGEMENT PROGRAM

FACILITY INSPECTION REPORT

FACILITY: Mission Trails FRS II

WDID/401 File #:  
9 37C353958 / 06C-112

INSPECTION DATE/Time: 2/9/10; 930

FACILITY: **Mission Trails FRS II, Pipeline Tunnel and Vent Demo Project**

REPRESENTATIVE(S) PRESENT DURING INSPECTION: Christina Arias, Dat Quach (Regional Board), April Panera (R.W. Beck), Randy Manns (Nolte and Associates), Shane Sato, Lino Cruz (L.H. Woods & Sons Inc.)

**Ken Weinberg, Director of Water Resources**

**(858) 522-6753**

NAME OF OWNER, PARTY RESPONSIBLE FOR DISCHARGE

OWNER CONTACT NAME AND PHONE #

**San Diego County Water Authority**

**Shane Sato, Project Manager (760) 599-5500**

FACILITY OR DEVELOPER NAME (if different from owner)

FACILITY OR DEVELOPER CONTACT NAME AND PHONE #

**Mission Trails Regional Park**

**San Diego, CA**

FACILITY STREET ADDRESS

FACILITY CITY AND STATE

APPLICABLE WATER QUALITY LICENSING REQUIREMENTS

- MS4 URBAN RUNOFF REQUIREMENTS NPDES NOS. CAS0108758, CAS0108740 or CAS0108766
- GENERAL PERMIT ORDER NO. 99-08-DWQ, NPDES NO. CAS000002 - CONSTRUCTION
- GENERAL PERMIT ORDER NO. 99-06-DWQ, NPDES NO. CAS000003 - CALTRANS
- GENERAL OR INDIVIDUAL WASTE DISCHARGE REQUIREMENTS
- GENERAL OR INDIVIDUAL WAIVER OF WASTE DISCHARGE REQUIREMENTS
- SECTION 401 WATER QUALITY CERTIFICATION
- CWC SECTION 13264

INSPECTION TYPE (Check One)

- A1 \_\_\_ "A" type compliance—Comprehensive inspection in which samples are taken. (EPA Type S)
- B1 X "B" type compliance—A routine nonsampling inspection. (EPA Type C)
- 02 \_\_\_ Noncompliance follow-up—Inspection made to verify correction of a previously identified violation.
- 03 \_\_\_ Enforcement follow-up—Inspection made to verify that conditions of an enforcement action are being met.
- 04 \_\_\_ Complaint—Inspection made in response to a complaint.
- 05 \_\_\_ Pre-requirement—Inspection made to gather info. relative to preparing, modifying, or rescinding requirements.
- 06 \_\_\_ No Exposure Certification (NEC) - verification that there is no exposure of industrial activities to storm water.
- 07 \_\_\_ Notice of termination request for industrial facilities or construction sites - verification that the facility or construction site is not subject to permit requirements (Type, NOT I or NOT C - circle one).
- 08 \_\_\_ Compliance Assistance Inspection - Outreach inspection due to discharger's request for compliance assistance.

INSPECTION FINDINGS

Y Were violations noted during this inspection? (Yes/No/Pending Sample Results)

I. COMPLIANCE HISTORY:

- On November 12, 2008, the San Diego County Water Authority (Discharger) obtained coverage under the Construction Storm Water Permit.
- On January 16, 2008, the Regional Board issued 401 Water Quality Certification No. 06C-112 to the Discharger.
- The City of San Diego does not regularly inspect this construction site because the discharger is a special district not under the jurisdiction of the City.
- This is the first Regional Board inspection of the site.

FACILITY: Mission Trails Pipeline

WDID/401 File #:  
9 37C353958/06C-112

INSPECTION DATE/Time: 2/9/10 930

Photos taken by Christina Arias and Dat Quach 2/9/10



Looking uphill at temporary sediment stockpile and construction road. No erosion control BMPs have been deployed and rill erosion is evident.



View of bare stockpile looking downhill. Note steepness of slope.

FACILITY: Mission Trails Pipeline

WDID/401 File #:  
9 37C353958/06C-112

INSPECTION DATE/Time: 2/9/10 930



Culvert conveying small creek contains sediment, although not sure if this is project sediment or natural erosion of hillside. Note porta-potty is located in the natural flowline.



Natural creek drainage upstream of culvert in previous photo. Walls of creek bed have been stabilized with concrete.

FACILITY: Mission Trails Pipeline

WDID/401 File #:  
9 37C353958/06C-112

INSPECTION DATE/Time: 2/9/10 930



Construction debris and materials are uncovered and exposed.



More exposed construction debris, including rusty pipes and equipment.

FACILITY: Mission Trails Pipeline

WDID/401 File #:  
9 37C353958/06C-112

INSPECTION DATE/Time: 2/9/10 930



Looking north from top of hill towards creek. Berm on road side has caused channelization and concentrated flow.



Looking south towards top of hill and stockpile. Some sediment has been captured but BMPs needs reinforcement with upcoming rain.

FACILITY: Mission Trails Pipeline

WDID/401 File #:  
9 37C353958/06C-112

INSPECTION DATE/Time: 2/9/10 930



Bottom of hill. Note erosion shows flow line towards creek, which parallels road on far side.



Silt fence is discolored showing evidence that sediment has breached this BMP. Sediment is also visible beyond straw waddle and in creek.

FACILITY: Mission Trails Pipeline

WDID/401 File #:  
9 37C353958/06C-112

INSPECTION DATE/Time: 2/9/10 930



Project sediment shown visible in riprap--edge of creek.



Looking at creek crossing (north direction). Project sediment is evident from discoloration looking uphill. Fine sediment is visible at edge of creek crossing.



FACILITY: Mission Trails Pipeline

WDID/401 File #: 9 37C353958/06C-112

INSPECTION DATE/Time: 2/9/10 930

**FINDINGS :**

- All disturbed sediment including a sediment stockpile and edges of construction road at this site lacked erosion control BMPs. This is a violation of the General Construction Permit.
- Some sediment control BMPs were deployed but were insufficient at containing sediment onsite. In some cases, the capacity of the BMPs to contain the sediment has been reached, and more rain is expected.
- Construction debris including rusty material was left uncovered and exposed to storm water. A porta-potty was placed in the path of a natural drainage.
- A culvert at the top of the hill on the south side of the site was half full of fine sediment, although it is not clear if this sediment originated from the construction site.
- Fine sediment originating from the construction site was observed in the creek that parallels the main entry road. This is a violation of the General Construction Permit, the Basin Plan prohibitions, and the 401 Water Quality Certification.
- The inspection logs completed by L.H. Woods did not contain sufficient comments and instructions for correcting or enhancing BMPs.
- A construction drawing showing BMPs per the SWPPP was not easily accessible to all parties.
- The discharger is in violation of the 401 Water Quality Certification No. 06C-112, condition 6, for failing to report the illegal discharge and corrective action.

**III. RECOMMENDATIONS AND ADDITIONAL COMMENTS**

- Erosion control BMPs should be deployed at all areas containing disturbed sediment.
- Sediment control BMPs should be enhanced, where needed.
- Construction debris should be removed or covered.
- The porta potty should be moved out of the natural flow line.
- The construction drawing showing BMPs as part of the SWPPP should be a living document and updated as needed. The drawing should be in a location easily accessible by all relevant parties and reflect the use of effective BMPs. As construction progresses and/or BMPs fail or need enhancement, the drawing should be updated.

**IV. SIGNATURE SECTION**

Inspection Report received by:

FACILITY REPRESENTATIVE	SIGNATURE	TITLE	DATE
Christina Arias STAFF INSPECTOR			2/9/10
	SIGNATURE	INSPECTION DATE	

VI. (For internal use only)

Reviewed by Supervisor: Eric S. Beebe Date 2/11/10

cc: Inter-office Referral: 1) \_\_\_\_\_ 2) \_\_\_\_\_ 3) \_\_\_\_\_ 4) \_\_\_\_\_ 5) \_\_\_\_\_

CIWQS:  
Place ID: 652333

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	A. Signature <span style="float: right;"><input type="checkbox"/> Agent <input type="checkbox"/> Addressee</span> <b>X</b>
1. Article Addressed to: Ken Weinberg Director of Water Resources San Diego County Water Authority  4677 Overland Ave San Diego, CA 92123	B. Received by (Printed Name) <span style="float: right;">C. Date of Delivery</span>  D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No
2. Article Number (Transfer from service label)	3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.  4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes
7009 1410 0002 2347 3827	

PS Form 3811, February 2004

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